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ABSTRACT

Several approaches that policymakers may wish to consider in enacting and sustaining educational excellence are summarized. This issue brief draws from presentations given at two sessions on education and excellence held at the 1983 meeting of the National Conference of State Legislatures. California's approach is highlighted, based on the assumption that a thoughtful strategy precedes successful passage of comprehensive legislation. Three other general legislative approaches to improving education are given, contrasting a strategy of centralizing state authority over the schools to one of delegating maximum responsibility locally, and concluding with some suggestions on how to strike the middle ground. (Author/MLF)

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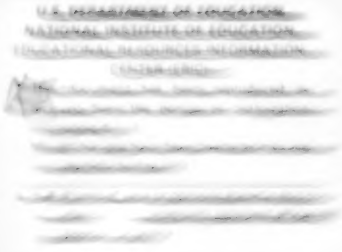
LEGISLATIVE STRATEGIES FOR ENACTING EDUCATIONAL EXCELLENCE



An issue brief of the
education and job training program
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"The laws passed in the 1984 legislative sessions will determine how effective our nationwide response will be to the almost unanimous mandate that we accomplish a sweeping reform and renewal of American education."

T. H. Bell
Secretary of Education
Washington, D.C.
December 3, 1984

Nearly all legislatures are busy confronting the heightened expectations left by a wave of education reports in 1983. The luxury of making recommendations has given way to the need for action, as policymakers add practical substance around the sense of purpose. Based on the advice of a seasoned group of educators and legislators,* here are several approaches that policymakers may wish to consider in enacting and sustaining educational excellence.

Part One highlights one state's approach to securing a major education reform bill. It is based on the assumption that a thoughtful strategy precedes successful passage of comprehensive legislation.

Part Two discusses three general legislative approaches to improving education. It contrasts a strategy of centralizing state authority over the schools to one of delegating maximum responsibility locally and concludes with some suggestions on how to strike the middle-ground.

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*During its 1983 annual meeting in San Antonio, NCSL sponsored two sessions on Education and Excellence. Entitled "Who is Saying What?" and "What Can States Do?" the panels included state legislators from four national studies, the president of the National Association of State Boards of Education, the deputy director of the Education Commission of the States, the director of legislative research for the Texas Legislature, and several state legislators and school officials. Transcripts of these sessions, including copies of the panelists' presentations, two ninety-minute tapes of these sessions are also available. For additional information, call Peggy Siegel, NCSL's Washington, DC office (202)737-7004.

I. GETTING THERE: ONE APPROACH TO ENACTING EDUCATION REFORMS

California Senate Education chairman Gary Hart was the sponsor of Senate Bill 813, a comprehensive education reform package which provided the first new state dollars for California's public schools in over a decade. Here in paraphrase is what Senator Hart told an NCSL audience about strategy: 1/

1. New people and players provide opportunities for reform.

In November, 1982, California elected a new Governor and a new Superintendent of Public Instruction. Legislative leaders also appointed two new chairs of the Assembly and Senate Education Committees. Not tied to past practices or alliances, they were more willing to take chances commensurate with drafting fundamental education reforms.

2. The business community, often opposed to [illegible]

During the days of Proposition 13, the California business community not generally opposed increases in public spending. However, more recent economic realities led to a reassessment of this position. The California Roundtable (an organization of the [illegible] of the state's leading industries) had commissioned [illegible] study, which pointed up the need for increased educational expenditures. As a result, according to Hart, business leaders became active in supporting the 1983 education reforms, their position held sway with many Republican legislators, and provided new, economic rationale for improving the schools.

3. More money does not mean more of the same.

[illegible] additional state aid for the schools as the demand for excellence forged a new education coalition in California, according to Hart, conservative legislators agreed to vote for the increased appropriation, but only in conjunction with policies to streamline teaching and management practices (accelerating procedures for dismissing probationary teachers; counting shortages as a criteria, in addition to seniority, for dismissing tenured teachers; instituting the mentor teacher plan.) Sponsors of SB 813 convinced the teacher organizations to accept these procedural changes, as the price of more state aid. All parties agreed that the only way to obtain more money for the schools was to provide quality assurance. This approach paid off, as SB 813 passed unanimously in the Senate and received only two dissenting votes in the Assembly.

[illegible]

According to Hart, the framers of SB 813 made the decision to [illegible] bilingual education and special education, for example, were left out. Other subjects, such as computer education, were deferred until further study. Omitting these issues from SB 813 did not

reflect negatively on their importance. Rather, it reflected the sponsors' concern that including them could lead to divisiveness, jeopardizing passage of any measure.

5. **Provide for local flexibility and bottom-up reform.**

Despite enacting new statewide curriculum standards, much of California's education reform package is optional. And most of the funds flow to local districts unearmarked, subject to collective bargaining negotiations. At the request of local districts, for example, the state will provide funding to raise a teacher's entry level salary by 10 per cent annually over the next three years, up to $18,000 for 1983-84 and adjusted over the next two years. Here, the Legislature was recognizing the need to attract qualified people into the teaching profession. This concern is echoed forcefully by both the National Education Association and the American Federation of Teachers. 2/ As AFT President Albert Shanker says, "If you pay a new teacher $12,000, that's exactly what you will get...a teacher worth $12,000." The California Legislature targeted its efforts at the front end of the salary schedule as an incentive for school districts to raise teacher salaries across the board, but only through the local bargaining process. This same local input is reserved for the new mentor teacher program, where both districts and teachers can decide whether to opt in or not. In devising state education reforms, Hart stressed the importance of developing ownership of efforts to improve the schools, bottom-up reforms, rather than mandating from on high.

* * * *

Obviously, each state will approach issues of educational excellence differently. Yet in several important respects, California's experience is illustrative of what seems to be happening around the country:

1. **State officials**--rather than local educators or professional education associations--are seizing the reform initiative. 3/ Like the school finance reforms of the 1970's, legislators, governors and state education officials, in various combinations across the country, are successfully pushing for change.

2. Policymakers are **championing economic arguments**--rather than traditional educational reasons--for improving the schools. It is still important that Johnny can't read, because now he can't find a job. The education/economic growth strategy makes sense, as policymakers search for ways to convince their constituents, who may no longer have kids in school, that they should support the reforms.

3. Economic strategies have also provided a rationale and an opportunity to **involve the private sector** in the public schools. All across the country, business and labor leaders are becoming directly involved in educational decisions--anywhere from serving on state and local excellence task forces to working directly with

schools and universities in order to enrich the curriculum, improve school management practices, and provide jobs for students and teachers.

4. The wisdom of California's strategy to **link "more" with "better"** has been validated by national public opinion polls. 4/ Voters seem willing to support increased aid to education, but only with guarantees that their dollars will buy improvements and not "education as usual."

II. GETTING THERE: HOW MUCH "EXCELLENCE" SHOULD THE LEGISLATURE MANDATE?

States, of course, will vary in their approaches to enacting educational reforms. Some--like Florida, Mississippi and Arkansas--have pursued all-out attacks on many fronts. Others--like Tennessee--have designed a comprehensive education package around a single policy, in this case career ladders. Others--like Utah--have enacted career ladders as the single subject of a piece of legislation. Still other states--like Illinois--are using the 1983-84 year for legislative study, with plans to act in 1984-85. Obviously, given the diversity of states and the complexity of the education issues, there is no one route to excellence. Policymakers need to decide what makes sense for the schools in their states. And they need to make sure that, whatever they do, all the pieces somehow fit together.

In enacting reforms, legislators face numerous tactical choices.* Everyone wants excellent schools, excellent teachers and excellent students. But how do we achieve it? Unfortunately, legislators can't just insure excellence by mandating it in state statute. What works in one school may not be effective in another. Quality may not even be consistent throughout the same building. As Michael O'Keefe, former Vice President of the Carnegie Foundation for the Advancement of Teaching, cautioned an NCSL audience, "excellence and mediocrity do not spread themselves neatly across American schools...there is good education in bad schools and bad education in good schools." 5/

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*For example, should legislators write educational improvements into statute or delegate responsibility to state and local school officials? Should they enact mandates or adopt permissive legislation? Should they opt for uniform, statewide standards or provide for pilot programs? Should they pass comprehensive reforms or target their priorities? Should they push now (while the nation is at risk) or should they wait? Should they provide the same excellence dollars to all districts or equalize, based on local wealth and need? And, perhaps most critically, how should they evaluate what they've done and what yet needs to be done?

So what should legislators do? Here are three possible options for enacting and sustaining excellence:

Option #One: Keeping control inside the state house.

To mandate or not to mandate: that is the question. Given the educational--and political--consequences of failure, legislators may be inclined to retain direct control over school reforms, especially when answers to their questions of school people are not forthcoming. Examples include writing uniform, statewide standards into law and placing requirements on the schools. Recent state efforts to upgrade curricular standards, adopt competency tests for students and teachers, and tighten college admission requirements are additional examples.

This approach is appealing to legislators for several reasons:

1. **Involvement.** If they are calling the shots, legislators are more inclined to stay on top of--and committed to--efforts to improve teaching and learning.

2. **Uniformity.** Requiring statewide standards enables legislators to obtain the same types of information from all districts, enhancing inter-district comparisons. It also insures that school districts are more likely to be treated the same.

3. **Coordination.** Using their statutory and budgetary authority, legislators can insure that all the educational pieces fit together, even if they cross different jurisdictional lines.

4. **Accountability.** Legislators can hold state and local educators to the fire for how well they implement the reforms.

5. **Evaluation.** Legislators can obtain information on the impact of their recent efforts (ie. legislative accountability) for the next round of educational reforms.

Legislators are committing sizable amounts of public dollars to education. They need an assured return on the public's investment, and pretty soon, or the voters may invest in something--and someone--else. Playing it close to the chest when enacting school reforms may make perfect sense from where the legislature sits. But will it improve education?

Option #Two: Letting the schools call the shots.

Since the early 70's, researchers have been trying to identify the factors that improve student achievement. Recently, they have focused on the school building and inside the classroom. And they have looked at the interaction among students, teachers, principals and parents. Commonly called the "effective schools" literature, 6/ this research attempts to isolate those characteristics of teaching and learning which practitioners and policymakers

can nurture in order to make education work. A school is more likely to be effective where "the principal and instructional staff agree on what they're doing, believe they can do it, provide an environment conducive to accomplishing the task, and monitor their effectiveness and adjust performance based upon such feedback." 7/

In contrast to Option #1, Option #2 would maximize flexibility at the school district and building levels. It is also supported by numerous educators and local school officials who have spent time inside the schools.8/ Here is the gist of what a distinguished group of school officials and academics advised legislators from across the country at an ALPS meeting last February: 9/

1. Don't mandate effective schools programs in statute. Schools differ. What works in one setting may not work in another. Don't disrupt good programs already in place. Let the schools determine what works. Provide incentives and reward schools for effective programs; spread the word to other schools; provide technical assistance to help schools improve; evaluate what they do.

2. Phase in change gradually, over time. Don't call for too much too soon. Encourage schools to do long-range planning and provide them with adequate resources (money and technical assistance) with which to make improvements.

3. Provide programs that teach principals and administrators how to manage schools effectively and how to support teachers in the classroom.

4. Provide incentives to help teachers teach. Use experienced teachers to help new teachers, who may feel isolated and who need support. Good teachers are not only born; they can be taught. Provide programs to help teachers develop their skills.

5. Target limited resources. Provide clear criteria for rewarding the excellence dollars. Don't leave funding decisions until the end. Base appropriations on school district need and wealth; otherwise you will jeopardize the gains in equity made over the last decade.

Option #Three: Reaching the middle ground.

Thus, legislators are confronted with some interesting cross-currents: Based on public pressure to "do something" and political pressure to stay on top of what they're doing, state policymakers have begun to centralize their authority over education. In contrast, the research indicates that to improve learning, local educators need more, not less, autonomy and flexibility over decision-making.

On the one hand, school improvements are often gradual in coming and require a long-term commitment. On the other hand, state policymakers need to see tangible results from all of their efforts

to improve education, and they need them now, to keep their reform efforts alive. Local educators, in turn, worry that the state's commitment to major improvements will be fleeting, making fundamental reform unlikely.

Are there any strategies which can satisfy the needs and concerns of both groups? Here are a few:

1. **Encourage experimentation.**

If we knew the answers to what makes for a good education, enacting school reforms would be easy. Unfortunately, we don't know. Absent any single solution, perhaps the best tactic is to provide for many solutions, i.e. to experiment. Five such efforts come to mind, none of which are new to most states: 10/

1) **Fund pilot programs** . Rather than mandate (and fund) the same curricular or teaching program for all districts, Legislatures can support programs in selected districts to test out specific objectives defined at the state level.

2) **Fund incentive grants for excellence.** Legislatures can encourage local school districts to approach the state with programs it may wish to implement to improve education. Legislators can provide the seed money and also participate with other state education policymakers, on panels which would make the awards on a competitive basis.

3) **Target incentives.** Legislators can provide funds to school districts that show improvements on a variety of performance indicators. Houston School Superintendent Billy Reagan, for example, told an NCSL audience about his district's efforts to reward both schools and teachers for gains in student achievement, improved attendance and other priority areas. 11/ Some policymakers have even moved away from merit pay for teachers and are now talking about "merit school" plans which reward an entire building for improvements in performance. During the second round of educational reforms, California and Florida are both exploring this latter option.

4) **Fund state technical assistance.** Granted, no two schools are alike. But they can learn from the experiences of one another. State Departments of Education can provide a valuable facilitating role of taking the lessons learned from the pilot programs, grants and incentives and "exporting" them to other districts. Hence, the benefits of state-funded programs accrue not only to the original school districts; but they also have a ripple effect. In addition, Legislatures can get a better handle on what works in order to target future educational dollars.

5) **Fund in-service education.** Like all of us, teachers and administrators occasionally need to have their batteries recharged. Good educators need to be encouraged to stay in the profession. Less than good educators need help so that they can become better.

A number of states have begun to provide for teacher institutes and principal academies for this purpose. Such programs can also have the spinoff advantage of involving university faculty and private sector managers in school decisions.

6) **Fund ongoing programs.** Schools can frequently attract start-up money from the public or private sector, for new, innovative programs. But what happens once a program is operating and the money runs out? Legislatures can therefore provide continuation funds for exemplary programs which should be maintained.

The above strategies may not be as flashy as are comprehensive statewide reforms. They are also not as expensive. But if we accept the effective schools research which stresses the importance of local ownership, then such reforms may have the most lasting chance for success.

2. Emphasize outcomes.

Many states have strengthened their curriculum standards. Yet this may not be enough. According to Mike O'Keefe, as states increase these requirements, they need to go the next step and specify, with some level of generality, what the content should be. Policymakers need to encourage educators to look at what they are teaching. 12/ The College Board agrees with O'Keefe. It has come up with six basic academic competencies and six basic subjects in its effort to identify "what students need to know and be able to do." 13/ The focus is on learning outcomes, the results of high school education. Adrienne Bailey of the College Board stresses that developing these outcomes is important for all students, not just the college-bound. Simply specifying required courses is not sufficient, she told an NCSL audience: "It does not guarantee that students will do well, just what they will do time." 14/

3. Provide linkages across jurisdictions.

Reforming education is a big job. There is plenty of work for everyone. And everyone seems to be doing something. With so much activity, policymakers need to keep each other informed of their respective efforts to improve the schools. Providing the necessary linkages can take place on several levels:

1) **Legislative Committees.** Members of Education Committees (K-12 and post-secondary), Human Resources Committees and Appropriations and Taxation Committees need to be in constant touch with one another. Education committees may incubate a new reform, but often the policy gets merged into a larger, multi-dimensional fiscal measure, where programs compete for scarce resources before an Appropriations Committee. That is why State Representative Denise Apt of Kansas urged an NCSL audience last summer to open up better lines of communication between the policy and fiscal committees 15/. Legislators may also wish to hold joint hearings so members of both types of committees can benefit from the same

testimony on educational reforms. The Minnesota Legislature, for example, created a Legislative Commission on Public Education in 1983. Comprised of key legislators from leadership and the education and fiscal committees of both houses, the Commission is defining issues to study, holding hearings and making recommendations for subsequent action by the standing committees. 16/

2) **Legislatures and State Boards of Education.** Legislatures and State Boards of Education have dual responsibility for overseeing the schools at the state level. State Boards may propose educational reforms which they can implement on their own or which need legislative approval. Yet, frequently there is little ongoing communication between the two bodies. 17/ Policymakers need to explore ways to work together, particularly when it comes to evaluating the effectiveness of the programs they have enacted and implemented. To paraphrase Joanne Goldsmith, former President of the National Association of State Boards of Education: We need to distinguish between legislative handcuffing, with strings tied to laws and mandates on curriculum, and the proper legislative oversight role, which includes not only fiscal audits but program audits. 18/

3) **K-12 and Higher Education Boards.** Education policies may rely on two distinct governing boards for their implementation. For example, the decision of a higher education board or university to tighten college eligibility requirements will affect high school curriculum standards set by the state board of education. Teacher preparation, certification and retraining decisions involve state boards which govern both secondary and post-secondary education. Therefore, legislators may wish to provide opportunities for such boards to formulate joint policies. In 1980, concerned over the growing numbers of college freshmen in need of remedial English and math courses, the Ohio Board of Regents and the State Board of Education jointly appointed a Commission on Articulation between Secondary Education and Ohio Colleges. The governing boards charged the Commission with developing a college preparatory curriculum that would "clearly reflect collegiate expectations for entering students," thereby reducing the need for remedial courses at the college level. 19/ Pleased with the outcome, the boards have continued this forum in making joint policy decisions over other areas of the curriculum, such as science, social studies and foreign languages. 20/ Not only can such cooperation improve decision-making affecting education; the final reports also provide legislators with a definition of the problems and some options in formulating solutions.

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The 1983-84 legislative session has been a watershed for educational excellence inside most state capitols. Indications are that the wave of activity will roll on, at least into the 1984-85 legislative sessions. As one observer wisely noted: "First came the breast-beating...Then came the bandwagon...Now comes the perspective of the bottom line." 21/

Welcome to the world of the bottom line.

Footnotes

1. Senate Bill No. 813, Chapter 498, California Code, July 1983 and California State Department of Education, "Summary of SB 813 and Related Legislation: Hughes-Hart Education Reform Act of 1983."

2. Mary Hatwood Futrell, President of the National Education Association and Albert Shanker, President of the American Federation of Teachers, AFL-CIO, in presentations at the NCSL annual meeting, San Antonio, Texas, August 11, 1983.

3. See, for example, Michael W. Kirst, "State Education Policy in an Era of Transition," Policy Paper No. 83-C7 Institute for Research on Educational Finance and Governance, School of Education, Stanford University, December 1983; Susan Fuhrman, "The Excellence Agenda; States Respond," **Educational Horizons**, Winter 1984, pp. 48-51.

4. Pollsters Robert Teeter and Peter Hart, presentations at the annual meeting of the Education Commission of the States, Denver, Colorado, July 1983. See "Americans Willing to Pay More for Quality Schools, Pollsters Say," **Education Daily**, 7/26/83, page 1.

5. Michael O'Keefe, Former Vice President for Program and Policy Studies, Carnegie Foundation for the Advancement of Teaching, NCSL annual meeting, San Antonio, Texas, August 10, 1983.

6. See, for example, Michael Cohen, "Effective Schools; Accumulating Research Findings," **American Education**, January-February, 1982, pp. 13-16 and "Effective Schools; A Synthesis and State Policy Implications," prepared for the pre-Annual Meeting Seminars, Education Commission of the States, July 20, 1983; Ronald R. Edmonds, "Programs of School Improvement: An Overview," **Educational Leadership**, December 1982, pp. 4-11; Susan J. Rosenholtz, "Effective Schools: Interpreting the Evidence," **American Journal of Education**, to be published during 1985; **School Improvement:** Research-Based Components and Processes for Effective Schools, Joseph J. Raiche, editor, Educational Cooperative Services Unit of the metropolitan Twin Cities area, Minneapolis, Minnesota, 1983.

7. Cohen, "Effective Schools...", p. 15.

8. See, for example, Ernest L. Boyer, **High School**, (Harper and Row, Publishers: New York), 1983; John I. Goodlad, **A Place Called School** (McGraw-Hill Book Company: New York) 1984; and Theodore Sizer, **Horace's Compromise** (Houghton Mifflin Company: Boston) 1984. All three major studies of public education in America stress the importance of bottom-up reforms which start at the classroom and building levels.

9. ALPS (The Advanced Leadership Services Seminar) is co-sponsored by NCSL and the Education Commission of the States. The programs are designed for legislators from across the country who are active in making education policy for their states. For the highlights of this session, see Education Commission of the States, "Mock Legislative Hearing on 'An Act Relating to Excellence in Education,'" ALPS meeting, Denver, Colorado, Febrary 18, 1984. For

further information, contact Bill Harrison at NCSL 202/737-7004 or Aims McGuinness, at ECS 303/830-3614.

10. See, for example, Southern Regional Education Board, "Improving Schools Through Performance-Based Incentives," Atlanta, GA, November, 1983, Education Commission of the States, **State Programs of School Improvement: A 50-State Survey**, August 1982 and Allan Odden, "Financing Educational Excellence," **Phi Delta Kappan**, January 1984, pp. 311-318.

11. Billy R. Reagan, General Superintedent of the Houston Independent School District, NCSL annual meeting, San Antonio, Texas, August 11, 1983.

12. Michael O'Keefe, August 10, 1983

13. The College Board, Project EQuality, **Academic Preparation for College**, New York, 1983.

14. Adrienne Bailey, Vice President for Academic Affairs, The College Board, at NCSL annual meeting, San Antonio, Texas, August 10, 1983.

15. State Representative Denise Apt (R-Kansas) NCSL annual meeting, San Antonio, Texas, August 11, 1983.

16. Four of the Commission members jointly issued a brochure outlining their major legislative objectives for 1984. See "Project Learning: Excellence Assessment Development," prepared by Senators Jim Pehler and Tom Nelson and Represntatives Bob McEachern and Ken Nelson, Minnesota Legislature.

17. See Roald F. Campbell and Tim L. Mazzoni, Jr., **State Policy Making for the Public Schools** (McCutchan Publishing Corp: Berkeley, California) 1974.

18. Joanne Goldsmith, former President of the National Association of State Boards of Education, NCSL annual meeting, San Antonio, Texas, August 11, 1983.

19. Ohio Board of Regents and State Board of Education, "Report: Advisory Commission on Articulation Between Secondary Education and Ohio Colleges," April, 1981.

20. Advisory Council for College Preparatory Education, "Reports on the Task Forces on Science, Social Studies and Foreign Language," November 8, 1982. For information call State Board of Education 614/466-3708 or Ohio Board of Regents 614/466-6000.

21. Rochelle L. Stanfield, "The Reports Are In, But Nobody Knows How to Pay the Costs of Better Schools," **National Journal**, 10/15/83, p. 2104.